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Before the  
Federal Communications Commission  
Washington, D.C. 20554

DISPATCHED

In the Matter of )  
 )  
Amendment of Section 73.202(b), ) MM Docket No. 97-52  
Table of Allotments, ) RM-8987  
FM Broadcast Stations. ) RM-9098  
(Kellnersville and Two Rivers, )  
Wisconsin)<sup>1</sup> )

**REPORT AND ORDER**  
**(Proceeding Terminated)**

Adopted: January 7, 1998

Released: January 16, 1998

By the Chief, Allocations Branch:

1. In response to a petition filed by First Congregational Services ("First Congregational"), the Commission has before it for consideration the Notice of Proposed Rule Making, 12 FCC Rcd 1412 (1997), seeking the allotment of Channel 246A to Two Rivers, Wisconsin, as that community's second local FM broadcast service.<sup>2</sup> First Congregational filed comments supporting the allotment of Channel 246A at Two Rivers. Additional comments were filed by WTRW, Incorporated ("WTRW") and Metro North Communications, Incorporated ("Metro North").<sup>3</sup> Value Radio Corporation ("Value") filed a counterproposal in response to the

<sup>1</sup> The community of Kellnersville, Wisconsin, has been added to the caption.

<sup>2</sup> Channel 255A was allotted to Two Rivers, Wisconsin, in MM Docket No. 96-88. The proceeding also made an editorial correction to the FM Table of Allotments to reflect the actual usage of Channel 272A at Manitowoc, Wisconsin, instead of Two Rivers, Wisconsin. See 61 FR 63759, December 2, 1996. The window for filing applications for Channel 255A at Two Rivers opened on December 30, 1996, and closed on January 30, 1997. The following applications are on file for Channel 255A: BPH-970130MB (BBK Broadcasting, Inc.), BPH-970130MN (WTRW, Incorporated), BPH-970127MB (Tri-County Radio, Incorporated), BPH-970130MB (Michael R. Walton, Jr.) and BPED-970130MB (Evangel Ministries, Incorporated).

<sup>3</sup> WTRW and Metro filed comments and counterproposals. Although we have accepted their comments, the counterproposals have not been considered. WTRW and Metro North requested allotment of Channel 246A at Mishicot, Wisconsin. A Commission engineering analysis shows that Channel 246A at Mishicot, Wisconsin, is short spaced to Channel 246C, Station WGLQ, Escanaba, Michigan, and cannot be site restricted to eliminate the conflict. Therefore, no consideration has been given to the allotment of Channel 246A at Mishicot. WTRW and Metro North further requested reallocation of Channel 234A from Mishicot, Wisconsin, to Denmark, Wisconsin, and modification of the license for Station WGBM to specify Denmark as the community of license. Commission records identify Bay Lakes Valley Broadcasters, Inc. as the licensee of Station WGBM, Mishicot. Since the licensee of Station WGBM has neither requested or supported the proposal filed by WTRW and Metro North to change the community of license for Station WGBM, we will not consider the request.

Notice.<sup>4</sup>

2. The counterproposal filed by Value Radio, licensee of Station WOSH(AM), Oshkosh, Wisconsin, and WVBO(FM), Winneconne, Wisconsin, requests allotment of Channel 246A at Kellnersville, Wisconsin. Value Radio submits that allotment of the channel at Kellnersville provides an important first local service to the community and states that a tower site could be located for Channel 246A that would provide a signal which adequately covers the community. Additionally, Value Radio provides information which it believes shows that Kellnersville more than meets the definition of a community for allotment purposes. Value Radio requests, for the reasons stated above, that the Commission allot Channel 246A to Kellnersville, Wisconsin, as that community's first local aural service.

3. WTRW, licensee of Station WTRW-AM, Two Rivers, Wisconsin, and Metro North, applicant for a new FM station in New Holstein, Wisconsin, both filed comments opposing the allotment of Channel 246A at Two Rivers. WTRW and Metro North contend that Two Rivers, with a population of 13,030 residents, is well served with news and information from stations licensed to Two Rivers and Manitowoc, Wisconsin. WTRW and Metro North question whether First Congregational represents a religious or non-profit applicant seeking to operate a non-commercial FM station in the commercial portion of the band. Finally, WTRW and Metro North argue that First Congregational had an opportunity to provide additional service to Two Rivers by filing an application for Channel 255A at Two Rivers when the application window for the channel was open.

4. Conflicting proposals, such as have been filed in this proceeding, are generally considered under the guidelines set forth in Revision of FM Assignment and Policies and Procedures, 90 FCC ed 88 (1982).<sup>5</sup> However, in this instance, we will give no further consideration to the allotment of an FM channel at Kellnersville, Wisconsin. The counterproponent, Value Radio, has neglected to state its intent to apply for the channel if is allotted and, if authorized, to build a station. Value Radio merely states that it believes that the public interest would be better served if the Commission allot Channel 246A to Kellnersville, Wisconsin, as the station would provide the first full-time aural service to the Kellnersville community. We point out that a basic requirement of a rule making proceeding for an FM allotment proposal is a statement of interest in the channel requested. We will not allot a channel in the absence of an assurance that a party will file an application for the allotment. Therefore, since there appears to be no interest in filing an application for a channel at Kellnersville by Value Radio or any other party, no further consideration will be given to an allotment at Kellnersville and we shall turn our attention to the proposal for Two Rivers.

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<sup>4</sup> The counterproposal filed by Value Radio was put on public notice on June 4, 1997, Report No. 2202 (RM-9098).

<sup>5</sup> The priorities are (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters. [Co-equal weight given to priorities (2) and (3).]

5. In consideration of the above, we believe the public interest would be served by the allotment of Channel 246A at Two Rivers, Wisconsin, since it could provide an additional local FM service to the community for the expression of diverse viewpoints and programming. A staff engineering analysis has confirmed that Channel 246A can be allotted to Two Rivers, Wisconsin, in compliance with the minimum distance separation requirements of the Commission's Rules without a site restriction.<sup>6</sup>

6. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective March 2, 1998, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, as follows:

Community	Channel Number
Two Rivers, Wisconsin	246A, 255A

7. A filing window for Channel 246A at Two Rivers, Wisconsin, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

8. IT IS FURTHER ORDERED, That the counterproposal filed by Value Radio Corporation (RM-9098) IS DENIED.

9. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

10. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

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<sup>6</sup> The coordinates for Channel 246A at Two Rivers are 44-09-06 and 87-34-06.